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REMARKS

In the present Office Action, the Examiner requested restriction between the claims of Group I (Claims 1-25) drawn to a fire extinguisher and classified in Class 169, subclass 5; the claims of Group II (Claims 26-40) drawn to a gas pressure discharge fire extinguisher and classified in Class 169, subclass 9; the claims of Group III (Claims 41-53, 55 and 56) drawn to a method and an apparatus of a vehicle fire extinguishing system and classified in Class 169, subclass 46; and the claim of Group IV (Claim 54) drawn to a solid propellant fire extinguisher and classified in Class 169, subclass 77. Applicants elect to prosecute the claims of Group III (Claims 41-53, 55 and 56 as well as new claims 57-64) and traverse the restriction requirement.

Applicants agree that each of the four groups of claims is patentably distinct. Applicants note that particular groups of claims have a unique relationship such that they may be examined at the same time without undue burden on the Examiner. For example, Claim 41 of Group III and Claim 26 of Group II both recite the fire extinguisher of Claim I as an element of the claim. Any examination of the claims of Group II or Group III would require full examination of the fire extinguisher of Group I. As such, the claims of Groups I and III are properly considered at the time, even though patentably distinct. It is respectfully requested that the restriction requirement between the claims of Groups I and III be removed.

Since a review of the claims of Group II would also require an examination of the fire extinguisher claims of Group I, the Examiner would not be unduly burdened to consider Groups I, II and III at the same time. It is respectfully requested that the restriction requirement as between Groups I, II and III be removed. While the claims of Groups I and IV are patently distinct, Applicants believe that this single claim is sufficiently interrelated with the other claims pending in this application such that the Examiner would not be unduly burdened to consider this claim as well. It is respectfully requested that all claims be fully considered on their merits.

In the event that the Examiner repeats the restriction requirement and makes it finally, Applicants confirm the election of the claims of Group III, Claims 41-53, 55 and 56.

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The Examiner next identified that the application contained four patently distinct species, Species 1 (Figure 1); Species II (Figure 2); Species III (Figure 3); and Species 4, (Figure 4). Applicants elect the specie of Figure 1. Figure 1 includes a vehicle and as such claims 26-56 that recite a vehicle are believe encompassed by the elected specie. It is noted that all claims of Group III fall within Specie I.

Notwithstanding Applicants' contention that all claims should be fully evaluated on their merits, to facilitate prosecution of this patent application claim 41 has been amended to affirmatively recite elements of Claim 1, rather than incorporate the elements of Claim 1 by dependency. In addition, claim 50 has been amended to correct an antecedent basis issue.

New claims 57 – 69 have been added. It is believed that new claims 57 – 64 are members of Group III and new claims 65 – 69 are members of Group II.

All newly added claims are members of Specie I. Support for the newly added claims is found throughout Applicants' specification. As non-limiting examples, support for the propellant being a solid propellant as in new Claims 57, 62 and 67 is found in Applicants' specification at page 9, lines 7-10.

Support for activating the fire suppression system on detection of a collision is found in Applicants' specification at page 17, line 4. Delaying activation until the vehicle achieves a desired speed following a collision is disclosed in Applicants' specification at page 17, line 9. Delaying activation for a predetermined timed delay following a collision is found in Applicants' specification on page 17, line 29.

Expelling the fire suppressant at an underside location of the vehicle as in Applicants' claims 59, 63, 64, 68 and 69 is found in Applicants' specification at page 13, line 17.

Identifying that the propellant is provided in the form of a gas generator effective to generate a propellant for establishing a pressure effective to deliver the fire suppression agent to the distribution system as in Applicants' new Claims 60 and 65 is found in Applicant's specification at page 12, line 5-8.

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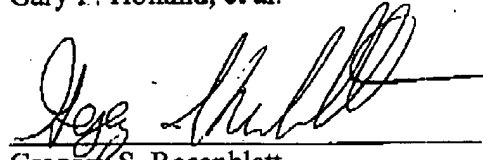
Identifying that the gas generator is a pyrotechnic gas generator as in Applicant's Claims 61 and 66 is found in Applicants' specification at page 12, line 17.

Accordingly, Applicants submit that none of the references, alone or in combination, anticipate or make obvious the invention as presently claimed and that the application is now in condition for allowance. Therefore, Applicants respectfully request reconsideration and further examination of the application and the Examiner is respectfully requested to take such proper actions so that a patent will issue herefrom as soon as possible.

If the Examiner has any questions or believes that a discussion with Applicants' attorney would expedite prosecution, the Examiner is invited and encouraged to contact the undersigned at the telephone number below.

Please apply any credits or charge any deficiencies to our Deposit Account No. 23-1665.

Respectfully submitted,
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